

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS LEE HOPPER,

Petitioner,

v.

BRIAN KIBLER,

Respondent.

Case No. 2:21-cv-00985-JDP (HC)

ORDER DIRECTING PETITIONER TO
SUBMIT A SECTION 1983 COMPLAINT
AND EITHER TENDER THE FILING FEE
OR SUBMIT A COMPLETED IN FORMA
PAUPERIS APPLICATION

ECF No. 19

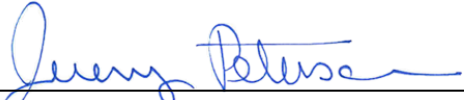
Petitioner, proceeding without counsel, initially sought a writ of habeas corpus under 28 U.S.C. § 2254. On July 18, 2022, in response to my show cause order, petitioner indicated that he wishes to convert this action into one proceeding under section 1983. ECF No. 19. He asked that I treat the operative habeas petition as a section 1983 complaint. *Id.* at 4. I decline to do so. Instead, I will direct the Clerk of Court to send plaintiff a section 1983 complaint form. Additionally, plaintiff will be sent an *in forma pauperis* application. He may either complete the application or tender the filing fee for a section 1983 action.

It is ORDERED that:

1. The Clerk of Court shall send plaintiff a section 1983 complaint form and an application to proceed *in forma pauperis*.
2. Plaintiff must file his complaint and either the motion to proceed *in forma pauperis* or the filing fee within thirty days of this order's entry.

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2 IT IS SO ORDERED.

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4 Dated: August 31, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE